



Patent us 222C3  
Attorney Docket: 612,404-387  
[formerly 267/242]

AF/600  
SP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**HELLER, Michael J.**

**Serial No.: 09/997,374**

Filed: November 29, 2001

For: **HYBRIDIZATION OF  
POLYNUCLEOTIDES CONJUGATED  
WITH CHROMOPHORES AND  
FLUOROPHORES TO GENERATE  
DONOR-TO-DONOR ENERGY  
TRANSFER SYSTEM**

Group Art Unit: 1637

Examiner: J. Fredman

**RECEIVED**

**MAY 30 2003**

**TECH CENTER 1600/2900**

**TRANSMITTAL LETTER FOR  
NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS**

Mail Stop AF  
P.O. Box 1450  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. A Notice of Appeal from the Primary Examiner to the Board of Appeals and Interferences, and an Amendment and Response in connection with the matter for which this extension is requested are filed herewith.

2. An Amendment and Response After Final with extension request has been filed, a copy of which is submitted herewith.

3. The fee for filing the Notice of Appeal for a small entity under 37 C.F.R. §1.17(b) is \$160.00. A check (No. 578314) in the amount of \$160.00 is enclosed herewith for payment.

**CERTIFICATE OF MAILING (37 C.F.R. §1.8a)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

May 22, 2003

Date of Deposit  
IR1:1043738.1

*Cynthia B. Pacheco*

6. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 50-0639.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: May 22, 2003

By: *John Kappos*  
John Kappos  
Reg. No. 37,861  
Attorneys for Applicant

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(949) 737-2900



Patent US 222C3  
Attorney Docket: 612,404-387  
[formerly 267/242]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#15/ NOTICE OF APPEAL

In re the Application of:

Group Art Unit: 1637

J. ESPERIEN  
6-16-03

**HELLER, Michael J.**

Examiner: J. Fredman

Serial No.: 09/997,374

Filed: November 29, 2001

For: HYBRIDIZATION OF  
POLYNUCLEOTIDES CONJUGATED  
WITH CHROMOPHORES AND  
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**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board from the Final Office Action mailed November 22, 2002, finally rejecting claims 1-24.

Pursuant to 37 C.F.R. § 1.17(e), the fee for filing the Notice of Appeal by a small entity is \$160.00. The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply. Applicant has paid for a three-month extension of time with the filing of an Amendment and Response After Final, a copy of which is enclosed herewith.

05/29/2003 DTESEM1 00000057 09997374

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160.00 OP

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 22, 2003

Date of Deposit  
IR1:1043670.1

Cynthia B. Pacheco

A check in the amount of \$160.00 is enclosed for payment of the requisite fees. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-0639.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: May 22, 2003

By: John Kappos

John Kappos  
Reg. No. 37,861  
Attorneys for Applicant

JCK/cp



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PATENT TRADEMARK OFFICE

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